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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 FEB 25 PM 12: 11
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: ff DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. 08 MJ 0552
v.	COMPLAINT FOR VIOLATION OF:
Matias ROMERO-Cuevas, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 22, 2008** within the Southern District of California, defendant, **Matias ROMERO-Cuevas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **FEBRUARY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Matias ROMERO-Cuevas

PROBABLE CAUSE STATEMENT

On February 22, 2008, Border Patrol Agent J. Scott was performing assigned Border Patrol duties in the Chula Vista, California Border Patrol Station area of responsibility. Agent Scott was notified by a thermal/night scanning scope operator that he had visual of three individuals walking north on a large trail in an area known as "Copper Canyon". "Copper Canyon" is an extremely mountainous and rugged area and is not accessible by Border Patrol vehicles. This area is located approximately four miles east of the Otay Mesa, California Port of Entry. Agent Scott responded to the area and began to search for the subjects. After a brief search of the general area where the scope operator had last seen the three individuals, Agent Scott encountered three individuals hiding in some thick brush adjacent to a trail attempting to conceal themselves to avoid detection. Due to the close proximity to the United States/Mexico International Boundary Fence, which is approximately three miles south, and due to the fact that this area is frequently used by undocumented aliens to further their entry into the United States, Agent Scott identified himself as a United States Border Patrol Agent in the English and Spanish language, and questioned all three individuals as to there citizenship and immigration status. All three subjects, including one later identified as the defendant **Matias ROMERO-Cuevas**, freely admitted to being citizens and nationals of Mexico not in possession of any immigration documents that would allow them to enter or remain in the United States legally. At approximately 12:35 a.m., all three subjects, including the defendant, were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 12, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 23, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 21, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Nita L. Stormes
United States Magistrate Judge

2-23-08 @ 3:25PM
Date/Time